



## 2010 CHAPTER 10

### PART 4

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary*

#### **Regulations**

**35.**—(1) No regulations shall be made under section 15 or 21 unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(2) All other regulations under this Act are subject to negative resolution.

(3) Regulations under this Act may contain such incidental, supplementary, transitional and saving provisions as appear to the Department to be necessary or expedient.

#### **Interpretation**

**36.** In this Act—

“afforestation” includes re-afforestation;

“authorised person”, in relation to any provision of this Act, means a person authorised in writing by the Department for the purposes of that provision;

“the Department” means the Department of Agriculture and Rural Development;

“DFP” means the Department of Finance and Personnel;

“forest”, “forestry”, “forestry land” and “forest products” have the meanings given by section 1(3);

“notice” means notice in writing;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

“woodland industry” means any industry which uses timber or other forestry products as a major part of its raw materials.

### **Application to the Crown**

**37.—**(1) Subject to—

(a) sections 15(2)(k) and 29 (felling licences), and

(b) the provisions of this section,

this Act binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

(2) A contravention by the Crown of any provision of, or made under, this Act does not make the Crown criminally liable; but the High Court may, on the application of the Department, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Despite subsection (2), any provision of, or made under, this Act applies to persons in the public service of the Crown as it applies to other persons.

(4) The powers conferred by section 32 are exercisable in relation to Crown land only with the consent of the appropriate authority.

(5) In this section “the appropriate authority” and “Crown land” have the same meanings as in section 29.

### **Amendments and repeals**

**38.—**(1) In section 5 of the [Agriculture \(Northern Ireland\) Act 1949 \(c. 2\)](#) (instruction and research in agriculture and related subjects) in subsection (3) in the definition of “related subjects” for paragraph (f) substitute—

“(f) forestry within the meaning of the Forestry Act (Northern Ireland) 2010;”.

(2) In Article 3 of the [Agriculture \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1994 \(NI 6\)](#) (general duty of Department to balance interests)—

(a) the existing provision becomes paragraph (1); and

(b) after that paragraph insert—

“(2) Paragraph (1) does not apply in relation to forestry land within the meaning of the Forestry Act (Northern Ireland) 2010.”.

(3) The statutory provisions set out in Schedule 2 are repealed to the extent specified in the second column of that Schedule.

### **Commencement**

**39.**—(1) Sections 1 to 34 and 38 (and the Schedules) come into operation on such day or days as the Department may by order appoint.

(2) No order may be made under subsection (1) in relation to any provision of section 10 unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(3) An order under subsection (1) may contain such transitional or saving provisions as the Department thinks appropriate.

### **Short title**

**40.** This Act may be cited as the Forestry Act (Northern Ireland) 2010.